

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARL A. COURTRIGHT, III,

Defendant.

No. 07-cr-30179-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Now before the Court is defendant Carl A. Courtright, III's, motion for Rule 36 correction of clerical error on order of judgment (Doc. 185). FEDERAL RULE OF CRIMINAL PROCEDURE 36 states, "[a]fter giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission." Fed. R. Cr. P. 36.

Courtright's criminal judgment contains the following special instruction regarding the payment of monetary penalties:

The defendant shall pay any financial penalty that is imposed by this judgment **and that remains unpaid** at the commencement of the term of supervised release. Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be paid in equal monthly installments of \$50 or ten percent of his net monthly income, whichever is greater, over a period of 102 months, to commence 30 days after release from imprisonment to a term of supervision.

(Doc. 115, p. 7, ¶ F) (emphasis added). Courtright requests that the Court delete the words, “and that remains unpaid” from his judgment. He states these words are in error, as the undersigned did not specifically state them at his sentencing hearing. Upon reviewing Courtright’s judgment and the transcript of his sentencing hearing, the Court now clarifies that Courtright’s judgment is correct. Courtright has not presented the Court with a clerical error. Thus, his motion is **DENIED** (Doc. 185).

IT IS SO ORDERED.

Signed this 4th day of October, 2013.


David R.
Herndon
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**Chief Judge
United States District Court**